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Hughes Electronics Corporation  
Patent Docket Administration  
Bldg. 1, Mail Stop A109  
P.O. Box 956  
El Segundo, CA 90245-0956

EXAMINER

KIANERSI, MITRA

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/741,120

Applicant(s)

NETI ET AL.

Examiner

mitra kianersi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/07/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/06/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Response to Arguments***

Applicant's arguments filed on July/09/2004 have been fully considered but they are not persuasive.

Applicant on page 2, line 19, argues that Anderson is not concerned with and contains no teaching concerning mentoring of resources requested, but rather resource allocation. Requesting the use of an individual bearer service for connection establishment by a service network in a call layer as described in Anderson is not qualities to a "first resource request monitor, adapted to monitor at least one resource request transmitted by a communications unit" as featured in claim 1. Moreover, nowhere does Anderson teach or suggest that requests for connection to an individual bearer service include a "resource request including information representing a respective amount of communication resources of said communications network being requested." Anderson on col 1, lines 38-45 a service network also referred to as an application, sends a request to the connection layer requesting that a connection should be set up, using a particular bearer, between two terminating points in a logical network, said logical network belonging to the connection layer and forming a logical view of the physical network. The logical network is used to route the connection through the physical network. The network configures the logical network operator and also, on col 3, lines 9-34 discloses that at the call layer each service network contains functionality that handles signaling between two or more parties/users that want to communicate. By way of example subscriber A wants to make a call to subscriber B using service network SN1 which in this case is POTS. When subscriber A goes off-hook and dials the telephone number to B POTS checks if B is busy or not. At the call layer the routing of a corresponding connection request goes from the access point of A directly to the access point of B. At the call layer the internal structure of the physical network is hidden, that is the internal physical structure is not seen by a service network. From the service network a connection request is sent down to the connection layer, said request pointing out the logical network to be used, in this particular case LN1. This is indicated by the arrow 24. As appears from FIG. 1 logical network LN1

is a sub-set of the physical network. In FIG. 1 the second service network SN2, for example ISDN, sends a similar connection request, indicated by arrow 25 to its logical network LN2. In the illustrated case terminal C wants to communicate with terminal D. It should be observed that subscriber A cannot communicate with terminal C since they do not belong to the same logical network. As is apparent from FIG. 1, however, route 4 is part of logical networks LN1 and LN2 and this link resource is accordingly split or separated between service networks SN1 and SN2.

Applicant on page 3, line 10, argues that illogical. More salient, is the fact that the second service network SN2 of Anderson is not taught or suggested to "monitor an amount of communications resources being provided to said communications unit in response to said resource request, and to provide second information representing said amount of said communication resources being requested by said resource request." The second service network SN2, just the same as any of the service networks in the call Layer shown in Fig. 1 of Anderson are taught to merely send connection requests, not the amount of communications resources being requested. Andersson on col 6, a line 9-19 discloses several logical networks share a resource, for example a trunk group or a pool of a specific resource, common to the logical networks. The present invention provides means and methods for dividing said resource between logical networks in a manner so as to guarantee each logical network admission to a predefined amount of said common resource. The means used for achieving this comprises a fixed percentage figure relating to the maximum amount by which an individual logical network may occupy the common resource and a running percentage figure relating to the amount by which an individual logical network indeed is occupying the resource.

Applicant on page 3, line 25, argues that Moreover, Anderson fails to teach or suggest such an element. Because Anderson does not teach or suggest provisions of information representing amounts of resources requested by first and second resource request monitors, a coordination center would not be taught or even needed to compare such first and second information. Accordingly, in light of the foregoing comments, the applicants submit that claim 1 is not taught or suggested by Anderson. Anderson on col 6, lines 30-35 discloses that further to guarantee each logical network admission to a predefined amount

of said common resource the present invention (i) either provides complete separation, also referred to as segregation, of the common resource between the logical networks or (ii) allows the logical networks to compete for a predefined amount of the common resource.

Because the arguments with respect to the allowability of independent claims were found unpersuasive, these same arguments are not persuasive with respect to the other dependent claims.

Claims 1-20 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 9, 11-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersson et al. (US Patent No. 5,809,129).

1. As per claim 1, a resource management system, adapted for use with a communications network, said resource management system comprising:  
a first resource request monitor, adapted to monitor at least one resource request transmitted by a communications unit of said network, said resource request including information representing a respective amount of communication resources of said communications network being requested, said first resource request monitor being further adapted to provide first information representing said amount of resources requested by said resource request; (corresponds to the call layer with one or more service networks

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that request the use of an individual bearer service for connection establishment. Col 1, lines 31-37)

a second resource request monitor, adapted to monitor an amount of communications resources being provided to said communications unit in response to said resource request, and to provide second information representing said amount of communications resources being requested by said resource request; and a coordination center, adapted to compare said first and second information to determine whether said amount of communications resources provided, as represented by said second information, equals said amount of communications resources requested, as represented by said first information. (In FIG. 1 the second service network SN2, for example ISDN, sends a similar connection request, indicated by arrow 25 to its logical network LN2. col 3, lines 25-35)

2. As per claim 2, a resource management system wherein coordination center is further adapted to provide an indicator when said first and second values are not equal. (corresponds to slot containing an indicator which specifies the action to be taken, col 5, lines 15-20)

3. As per claim 3, a resource management system wherein said indicator includes a credit or charge on a bill for said resources requested. (corresponds to slot containing an indicator which specifies the action to be taken, col 5, lines 10-26)

4. As per claim 4, a resource management system wherein said coordination center is further adapted to prevent said communications unit from transmitting another resource request when said first and second information are not equal. (corresponds to international switching centers, col 4, lines 61-62)

5. As per claim 5, a resource management system wherein: communications unit includes an earth-based terminal. (Intelligent terminals 9, 10, 11 are connected to switches, col 4, lines 61-62 and col 1, lines 60-62)

6. As per claim 6, a resource management system further comprising: an access monitor, adapted to maintain a record of said respective amount of resources requested; and a resource grant monitor, adapted to maintain a record of said second information. (access points of the telephone sets and of the terminals in the service nets must be mapped to corresponding termination points in the logical networks in order to make said access points in the service networks known to the logical networks. Col 2, lines 35-42)

7. As per claim 7, a resource management system wherein access monitor is included at a network service provider or a wholesaler. (At the call layer there are one or more service networks that request the use of an individual bearer service for connection establishment. Col 1, lines 31-37)

9. As per claim 9, a resource management system wherein coordination center is further adapted to receive and compare said first and second information after first resource request monitor has monitored a plurality of said resource requests and after said second resource request monitor has monitored said amount of communications resources being provided in response to said plurality of resource requests. (The service class of an incoming frame is compared to the current congestion level and depending on its service class the frame is discarded or not, col 5, lines 35-38)

11. As per claim 11, a method for monitoring use of communication resources in a communications network, comprising: monitoring at least one resource request transmitted by a communications unit of said network, said resource request including information representing a respective amount of communication resources of said communications network being requested; providing first information representing said amount of resources requested by said resource request; monitoring an amount of communications resources being provided to said communications unit in response to said resource request; providing second information representing said amount of said communications resources being requested by resource request; and comparing said first and second information to

determine whether said amount of communications resources provided, as represented by said second information, equals amount of communications resources requested, as represented by first information. (corresponds to the call layer with one or more service networks that request the use of an individual bearer service for connection establishment. Col 1, lines 31-37)

(In FIG. 1 the second service network SN2, for example ISDN sends a similar connection request indicated by arrow 25 to its logical network LN2. col 3, lines 25-35)

12. Claims 12-17 and 19 recite the same limitations as claims 2-7 and 9. Therefore, they are analyzed and rejected by the same rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al. (US Patent No. 5,809,129) and further in view of Christie (US Patent No. 6,452,928).

8. As per claim 8 and 18, resource management system wherein resources being requested include billing records. Andersson et al. do not explicitly teach resources being requested include billing records but Christie teach a broadband telecommunications system generating a billing records. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention was made to incorporate Andersson et al. teaching with communication system of Christie to enhance the reliability of a telecommunication service from a local switching office, a private branch exchange, a



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computer terminal or overseas international switching centers by arranging each such unit so that it "homes in" (is connected to) two nodes of the telecommunication network.

10. As per claim 10 and 20, a resource management system wherein said coordination center is further adapted to receive and compare said first and second information at predetermined intervals of time. (known call processing methods by looking at the LAM information prior to validation to determine if validation is even required. Col 18, lines 14-17, Christie)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is ((571) 272-3915. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Mitra Kianersi  
Oct/07/2004

William C. Vaughn Jr.  
Primary Examiner  
Art Unit 2143  
William C. Vaughn Jr.